

ELIMINATE STRAIGHT PARTY VOTING**OPTION**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Trisha S. Beck

This act modifies Election Code provisions by eliminating the option for voters to vote for all candidates for a single party by a single mark or punch.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-1-102, as last amended by Chapter 241, Laws of Utah 2001

20A-5-302, as last amended by Chapter 21, Laws of Utah 1994

20A-6-301, as last amended by Chapter 57, Laws of Utah 2001

20A-6-303, as last amended by Chapter 57, Laws of Utah 2001

REPEALS AND REENACTS:

20A-3-106, as enacted by Chapter 1, Laws of Utah 1993

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-1-102** is amended to read:

20A-1-102. Definitions.

As used in this title:

(1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot cards and tabulates the results.

(3) "Ballot" means the cardboard, paper, or other material upon which a voter records his votes and includes ballot cards, paper ballots, and secrecy envelopes.

(4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

(5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain



the names of offices and candidates and statements of ballot propositions to be voted on and which are used in conjunction with ballot cards.

(6) "Ballot proposition" means opinion questions specifically authorized by the Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions that are submitted to the voters for their approval or rejection.

(7) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

(8) "Bond election" means an election held for the sole purpose of approving or rejecting the proposed issuance of bonds by a government entity.

(9) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote.

(10) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

(11) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers.

(12) "Canvassing judge" means an election judge designated to assist in counting ballots at the canvass.

(13) "Convention" means the political party convention at which party officers and delegates are selected.

(14) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(15) "Counting judge" means a judge designated to count the ballots during election day.

(16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.

(17) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the counting judges to count ballots during election day.

(18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

(19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

(20) "County officers" means those county officers that are required by law to be elected.

(21) "Election" means a regular general election, a municipal general election, a statewide

special election, a local special election, a regular primary election, a municipal primary election, and a special district election.

(22) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(23) "Election judge" means each canvassing judge, counting judge, and receiving judge.

(24) "Election officer" means:

(a) the lieutenant governor, for all statewide ballots;

(b) the county clerk or clerks for all county ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5;

(c) the municipal clerk for all municipal ballots and for certain special district and school district ballots as provided in Section 20A-5-400.5; and

(d) the special district clerk or chief executive officer for all special district ballots that are not part of a statewide, county, or municipal ballot.

(25) "Election official" means any election officer, election judge, or satellite registrar.

(26) "Election returns" includes the pollbook, all affidavits of registration, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(27) "Electronic voting system" means a system in which a voting device is used in conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic tabulating equipment.

(28) "Inactive voter" means a registered voter who has been sent the notice required by Section 20A-2-306 and who has failed to respond to that notice.

(29) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.

(30) "Judicial office" means the office filled by any judicial officer.

(31) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(32) "Local election" means a regular municipal election, a local special election, a special district election, and a bond election.

(33) "Local political subdivision" means a county, a municipality, a special district, or a

local school district.

(34) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(35) "Municipal executive" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

(b) the mayor in the council-mayor optional form of government defined in Section 10-3-1209; and

(c) the manager in the council-manager optional form of government defined in Section 10-3-1209.

(36) "Municipal general election" means the election held in municipalities and special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(37) "Municipal legislative body" means:

(a) the city commission, city council, or town council in the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

(b) the municipal council in the council-mayor optional form of government defined in Section 10-3-1209; and

(c) the municipal council in the council-manager optional form of government defined in Section 10-3-1209.

(38) "Municipal officers" means those municipal officers that are required by law to be elected.

(39) "Municipal primary election" means an election held to nominate candidates for municipal office.

(40) "Official ballot" means the ballots distributed by the election officer to the election judges to be given to voters to record their votes.

(41) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

(iii) the facsimile signature of the election officer; and

(b) the information on the ballot stub that identifies:

(i) the election judge's initials; and

(ii) the ballot number.

(42) "Official register" means the book furnished election officials by the election officer that contains the information required by Section 20A-5-401.

(43) "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) spaces for the voter to record his vote for each office and for or against each ballot proposition.

(44) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures.

(45) "Polling place" means the building where residents of a voting precinct vote.

(46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks his choice.

(47) "Posting list" means a list of registered voters within a voting precinct.

(48) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

(49) "Protective counter" means a separate counter, which cannot be reset, that is built into a voting machine and records the total number of movements of the operating lever.

(50) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

(51) "Receiving judge" means the election judge that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(52) "Registration days" means the days designated in Section 20A-2-203 when a voter may register to vote with a satellite registrar.

(53) "Registration form" means a book voter registration form and a by-mail voter registration form.

(54) "Regular general election" means the election held throughout the state on the first

Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

(55) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, at which candidates of political parties and nonpolitical groups are voted for nomination.

(56) "Resident" means a person who resides within a specific voting precinct in Utah.

(57) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

(58) "Satellite registrar" means a person appointed under Section 20A-5-201 to register voters and perform other duties.

~~[(59) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.]~~

~~[(60)]~~ (59) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's vote.

~~[(61)]~~ (60) "Special district" means those local government entities created under the authority of Title 17A.

~~[(62)]~~ (61) "Special district officers" means those special district officers that are required by law to be elected.

~~[(63)]~~ (62) "Special election" means an election held as authorized by Section 20A-1-204.

~~[(64)]~~ (63) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

(b) is unable to be voted because it was spoiled by the printer or the election judge; or

(c) lacks the official endorsement.

~~[(65)]~~ (64) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

~~[(66)]~~ (65) "Stub" means the detachable part of each ballot.

~~[(67)]~~ (66) "Substitute ballots" means replacement ballots provided by an election officer to the election judges when the official ballots are lost or stolen.

~~[(68)]~~ (67) "Ticket" means each list of candidates for each political party or for each group of petitioners.

183 ~~[(69)]~~ (68) "Transfer case" means the sealed box used to transport voted ballots to the
184 counting center.

185 ~~[(70)]~~ (69) "Vacancy" means the absence of a person to serve in any position created by
186 statute, whether that absence occurs because of death, disability, disqualification, resignation, or
187 other cause.

188 ~~[(71)]~~ (70) "Valid write-in candidate" means a candidate who has qualified as a write-in
189 candidate by following the procedures and requirements of this title.

190 ~~[(72)]~~ (71) "Voter" means a person who meets the requirements for voting in an election,
191 meets the requirements of election registration, is registered to vote, and is listed in the official
192 register book.

193 ~~[(73)]~~ (72) "Voting area" means the area within six feet of the voting booths, voting
194 machines, and ballot box.

195 ~~[(74)]~~ (73) "Voting booth" means the space or compartment within a polling place that is
196 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

197 ~~[(75)]~~ (74) "Voting device" means:

198 (a) an apparatus in which ballot cards are used in connection with a punch device for
199 piercing the ballots by the voter;

200 (b) a device for marking the ballots with ink or another substance; or

201 (c) any other method for recording votes on ballots so that the ballot may be tabulated by
202 means of automatic tabulating equipment.

203 ~~[(76)]~~ (75) "Voting machine" means a machine designed for the sole purpose of recording
204 and tabulating votes cast by voters at an election.

205 ~~[(77)]~~ (76) "Voting poll watcher" means a person appointed as provided in this title to
206 witness the distribution of ballots and the voting process.

207 ~~[(78)]~~ (77) "Voting precinct" means the smallest voting unit established as provided by
208 law within which qualified voters vote at one polling place.

209 ~~[(79)]~~ (78) "Watcher" means a voting poll watcher, a counting poll watcher, and an
210 inspecting poll watcher.

211 ~~[(80)]~~ (79) "Western States Presidential Primary" means the election established in Title
212 20A, Chapter 9, Part 8.

213 ~~[(81)]~~ (80) "Write-in ballot" means a ballot containing any write-in votes.

214 [(82)] (81) "Write-in vote" means a vote cast for a person whose name is not printed on
215 the ballot according to the procedures established in this title.

216 Section 2. Section **20A-3-106** is repealed and reenacted to read:

217 **20A-3-106. Voting straight ticket prohibited.**

218 Each voter should vote for a candidate in each individual race and may not vote a straight
219 political party ticket.

220 Section 3. Section **20A-5-302** is amended to read:

221 **20A-5-302. Automated voting system.**

222 (1) Any county or municipal legislative body or special district board may:

223 (a) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any
224 automated voting system that meets the requirements of this section; and

225 (b) use that system in any election, in all or a part of the voting precincts within its
226 boundaries, or in combination with paper ballots.

227 (2) (a) Each automated voting system shall:

228 (i) provide for voting in secrecy, except in the case of voters who have received assistance
229 as authorized by Section 20A-3-108;

230 (ii) permit each voter at any election to:

231 (A) vote for all persons and offices for whom and for which that voter is lawfully entitled
232 to vote;

233 (B) vote for as many persons for an office as that voter is entitled to vote; and

234 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;

235 (iii) permit each voter, at presidential elections, by one mark or punch to vote for the
236 candidates of that party for president, vice president, and for their presidential electors;

237 ~~[(iv) permit each voter, at any regular general election, to vote for all the candidates of one~~
238 ~~registered political party by making one mark or punch;]~~

239 ~~[(v) permit each voter to scratch vote;]~~

240 ~~[(vi)]~~ (iv) at elections other than primary elections, permit each voter to vote for the
241 nominees of one or more parties and for independent candidates;

242 ~~[(vii)]~~ (v) at primary elections:

243 (A) permit each voter to vote for candidates of the political party of his choice; and

244 (B) reject any votes cast for candidates of another party;

245 ~~[(viii)]~~ (vi) prevent the voter from voting for the same person more than once for the same
246 office;

247 ~~[(ix)]~~ (vii) include automatic tabulating equipment that rejects choices recorded on a
248 voter's ballot if the number of the voter's recorded choices is greater than the number which the
249 voter is entitled to vote for the office or on the measure;

250 ~~[(x)]~~ (viii) be of durable construction, suitably designed so that it may be used safely,
251 efficiently, and accurately in the conduct of elections and counting ballots; and

252 ~~[(xi)]~~ (ix) when properly operated, record correctly and count accurately each vote cast.

253 (b) Notwithstanding any other provisions of this section, the election officers shall ensure
254 that the ballots to be counted by means of electronic or electromechanical devices are of a size,
255 layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in
256 the counting devices in which they are intended to be placed.

257 Section 4. Section **20A-6-301** is amended to read:

258 **20A-6-301. Paper ballots -- Regular general election.**

259 (1) Each election officer shall ensure that:

260 (a) all ballots furnished for use at the regular general election contain no captions or other
261 endorsements except as provided in this section;

262 (b) (i) the ballot contains a ballot stub at least one inch wide, placed across the top of the
263 ballot, and divided from the rest of ballot by a perforated line;

264 (ii) the ballot number and the words "Judge's Initial ____" are printed on the stub; and

265 (iii) ballot stubs are numbered consecutively;

266 (c) immediately below the perforated ballot stub, the following endorsements are printed
267 in 18-point bold type:

268 (i) "Official Ballot for ____ County, Utah";

269 (ii) the date of the election; and

270 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

271 (d) each ticket is placed in a separate column on the ballot in the order determined by the
272 election officer with the party emblem, followed by the party name, at the head of the column;

273 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

274 ~~[(f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and
275 the top of the circle is placed not less than two inches below the perforated line;]~~

276 ~~[(g)]~~ (f) unaffiliated candidates and candidates not affiliated with a registered political
277 party are listed in one column, without a party circle, with the following instructions printed at the
278 head of the column: "All candidates not affiliated with a political party are listed below. They are
279 to be considered with all offices and candidates listed to the left. Only one vote is allowed for each
280 office.";

281 ~~[(h)]~~ (g) the columns containing the lists of candidates, including the party name and
282 device, are separated by heavy parallel lines;

283 ~~[(i)]~~ (h) the offices to be filled are plainly printed immediately above the names of the
284 candidates for those offices;

285 ~~[(j)]~~ (i) the names of candidates are printed in capital letters, not less than 1/8 nor more
286 than 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8
287 of an inch apart;

288 ~~[(k)]~~ (j) a square with sides measuring not less than 1/4 of an inch in length is printed at
289 the right of the name of each candidate;

290 ~~[(l)]~~ (k) for the offices of president and vice president and governor and lieutenant
291 governor, one square with sides measuring not less than 1/4 of an inch in length is printed opposite
292 a double bracket enclosing the right side of the names of the two candidates;

293 ~~[(m)]~~ (l) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains
294 a write-in column long enough to contain as many written names of candidates as there are persons
295 to be elected with:

296 (i) the offices to be filled printed above the blank spaces on the ticket; and

297 (ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2
298 inch circle;

299 ~~[(n)]~~ (m) when required, the ballot includes a nonpartisan ticket placed immediately to the
300 right of the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid
301 rule running vertically the full length of the nonpartisan ballot copy; and

302 ~~[(o)]~~ (n) constitutional amendments or other questions submitted to the vote of the people,
303 are printed on the ballot after the list of candidates.

304 (2) Each election officer shall ensure that:

305 (a) each person nominated by any political party or group of petitioners is placed on the
306 ballot;

- 307 (i) under the party name and emblem, if any; or
308 (ii) under the title of the party or group as designated by them in their certificates of
309 nomination or petition, or, if none is designated, then under some suitable title;
- 310 (b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter
311 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
- 312 (c) the names of the candidates for president and vice president are used on the ballot
313 instead of the names of the presidential electors; and
- 314 (d) the ballots contain no other names.
- 315 (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- 316 (a) the designation of the office to be filled in the election and the number of candidates
317 to be elected are printed in type not smaller than eight-point;
- 318 (b) the words designating the office are printed flush with the left-hand margin;
- 319 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of the
320 column;
- 321 (d) the nonpartisan candidates are grouped according to the office for which they are
322 candidates;
- 323 (e) the names in each group are placed in alphabetical order with the surnames last, except
324 for candidates for the State Board of Education and local school boards;
- 325 (f) the names of candidates for the State Board of Education are placed on the ballot as
326 certified by the lieutenant governor under Section 20A-14-105;
- 327 (g) if candidates for membership on a local board of education were selected in a primary
328 election, the name of the candidate who received the most votes in the primary election is listed
329 first on the ballot;
- 330 (h) if candidates for membership on a local board of education were not selected in the
331 primary election, the names of the candidates are listed on the ballot in the order determined by
332 a lottery conducted by the county clerk; and
- 333 (i) each group is preceded by the designation of the office for which the candidates seek
334 election, and the words, "Vote for one" or "Vote for two or more," according to the number to be
335 elected.
- 336 (4) Each election officer shall ensure that:
- 337 (a) proposed amendments to the Utah Constitution are listed on the ballot under the

heading "Constitutional Amendment Number ____" with the number of the constitutional amendment as assigned under Section 20A-7-103 placed in the blank;

(b) propositions submitted to the voters by the Utah Legislature are listed on the ballot under the heading "State Proposition Number ____" with the number of the state proposition as assigned under Section 20A-7-103 placed in the blank;

(c) propositions submitted to the voters by a county are listed on the ballot under the heading "County Proposition Number ____" with the number of the county proposition as assigned by the county legislative body placed in the blank;

(d) propositions submitted to the voters by a school district are listed on the ballot under the heading "School District Proposition Number ____" with the number of the school district proposition as assigned by the county legislative body placed in the blank;

(e) state initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Initiative Number ____" with the number of the state initiative as assigned by Section 20A-7-209 placed in the blank;

(f) county initiatives that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Initiative Number ____" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's State Referendum Number ____" with the number of the state referendum as assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank; and

(h) county referenda that have qualified for the ballot are listed on the ballot under the heading "Citizen's County Referendum Number ____" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank.

Section 5. Section **20A-6-303** is amended to read:

20A-6-303. Machine-counted ballots for regular general elections.

(1) Each election officer shall ensure that:

(a) copy on the ballot labels are arranged in approximately the same order as paper ballots;

(b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;

(c) if pages are used, the pages placed on the voting device are of sufficient number to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and
(ii) any ballot propositions submitted to the voters for their approval or rejection;
~~[(d) the ballot labels include a voting square or position where the voter may record a
straight party ticket vote for all the candidates of one party by one mark or punch;]~~
[(e)] (d) the tickets are printed on the ballot label in the order determined by the county
clerk;
[(f)] (e) the office titles are printed above or at the side of the names of candidates so as
to indicate clearly the candidates for each office and the number to be elected;
[(g)] (f) the party designation of each candidate is printed to the right or below the
candidate's name; and
[(h)] (g) (i) if possible, all candidates for one office are grouped in one column or upon one
page;
(ii) if all candidates for one office cannot be listed in one column or grouped upon one
page:
(A) the ballot label is clearly marked to indicate that the list of candidates is continued on
the following column or page; and
(B) approximately the same number of names are printed in each column or on each page;
and
[(i)] (h) arrows are used to indicate the place to vote for each candidate and on each
measure.
(2) Each election officer shall ensure that:
(a) proposed amendments to the Utah Constitution are listed on the ballot label under the
heading "Constitutional Amendment Number ____" with the number of the constitutional
amendment as assigned under Section 20A-7-103 placed in the blank;
(b) propositions submitted to the voters by the Utah Legislature are listed on the ballot
label under the heading "State Proposition Number ____" with the number of the state proposition
as assigned under Section 20A-7-103 placed in the blank;
(c) propositions submitted to the voters by a county are listed on the ballot label under the
heading "County Proposition Number ____" with the number of the county proposition as assigned
by the county legislative body placed in the blank;
(d) propositions submitted to the voters by a school district are listed on the ballot label

under the heading "School District Proposition Number ____" with the number of the school district proposition as assigned by the county legislative body placed in the blank;

(e) state initiatives that have qualified for the ballot are listed on the ballot label under the heading "Citizen's State Initiative Number ____" with the number of the state initiative as assigned under Section 20A-7-209 placed in the blank;

(f) county initiatives that have qualified for the ballot are listed on the ballot label under the heading "Citizen's County Initiative Number ____" with the number of the county initiative as assigned under Section 20A-7-508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed on the ballot label under the heading "Citizen's State Referendum Number ____" with the number of the state referendum as assigned under Sections 20A-7-209 and 20A-7-308 placed in the blank; and

(h) county referenda that have qualified for the ballot are listed on the ballot label under the heading "Citizen's County Referendum Number ____" with the number of the county referendum as assigned under Section 20A-7-608 placed in the blank.

Legislative Review Note
as of 11-27-01 4:30 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel